

The Investigation

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Stabilize the Situation

- Approach the area with caution- your safety and responding officer's safety is your first priority
- Relevant history on location/parties from dispatch
- Separate parties while maintaining officer safety
- Call for back up if necessary (DV calls should be dispatched as two officer response, wait for second officer if possible)
- If denied entry into location where 911 call originated, make efforts to investigate. If questions remain, call supervisor for appropriate on scene guidance

Steps in the Investigative process

- Interview the parties/witnesses
- Make observations
- Evaluate the suspects behavior and other corroborating evidence

Interview the parties/witnesses

- Conduct interviews while parties are separated: ask direct questions based on observations (NOT "did (s)he hit you?" BUT RATHER "can you tell me what happened to your chin/eye/lip etc?")
- **NOTE:** The best time to get a victim statement is IMMEDIATELY following a violent episode. Interview alleged suspect on scene

Interview the parties/witnesses

- Interview children when possible
 - Do it separately, away from adults
 - Find a comfortable place
 - Get on the child's level and establish rapport
 - Ask simple questions first
 - Explain your purpose
 - Get child's version of events
- Interview neighbors, relatives, other household members
- Interview on scene, or as closely thereafter as possible

Observations of Law Enforcement

- Observations help determine probable cause
- Look for any signs that violence may have occurred
- Look for visible injuries to either party
- Look for signs of a break in (broken door frame, locks, windows)

Observations of Law Enforcement

- Look for disarray (damage to real and/or personal property, overturned furniture), torn clothing
- Look for weapons (broken bottles, glass, baseball bats, knives, etc....)
- Look for the emotional state of the victim AND the alleged suspect, as well as any witnesses present.

Talk about Amy...

- Observations of law enforcement....
 - Physical signs of abuse

Evaluate evidence...why is the history important? Lets talk about Amy...

- Minimizing, denying, blaming
- Emotional abuse
- Economic abuse
- Coercion and threats
- Male privilege
- Isolation
- Intimidation
- Using children

Evaluate suspect and evidence

- Recognition of these types of behaviors may influence a probable cause determination.
- Any other relevant evidence should be evaluated along with party and witness statements, physical signs of abuse, history of prior abuse, the scene, etc.
- Also, ask if there are any orders of protection in place, and if so, ask to see copies.

The Arrest Decision

- Many factors will influence whether arrest criteria are met. To assist the officer in making the decision to make an arrest, the officer may ask a series of questions. If the answer to all of these questions is "yes", then an arrest is appropriate:
 - Are the parties family or household members?
 - Did the suspect commit a crime which is an arrestable offense?
 - Is there evidence of recent physical injury or other corroborating evidence?
 - Is arrest the appropriate response? (i.e. is it apparent the suspect is the primary aggressor and was not acting in defense of self?)

DV CASE CHECKLIST			
(Indicate what actions have been taken as part of your investigation.)	YES	NO	N/A
1. Photos of victim's injuries at initial contact			
2. Followup photos of victim's injuries (2-3 days after initial injury)			
3. Photos of suspect injuries			
4. Photos of crime scene			
5. Written statement from victim			
6. Written statement from suspect			
7. Written statement from witnesses			
8. 911 tape			
9. Physical evidence collected and/or photographed			
10. Weapons seized (if used or threatened to be used in incident)			
11. Other weapons collected for safekeeping			
12. Criminal histories			
13. Probation check			
14. Medical release signed by victim			
15. Medical records obtained from hospital or other providers			
16. Subpoenas obtained for victim and witnesses			
17. Subpoenas served			
18. Copy of PFA			

Establishing the Primary Aggressor

- Many times in domestic violence-related matters, LEO are faced with a "he said-she said" situation. Both parties allege the other inflicted some physical harm to their person, and in many of those situations, both parties may have visible injuries (although not always). In such situations, LEO must determine which party was the primary aggressor BEFORE making an arrest.

Establishing the Primary Aggressor

- **Primary aggressor= the most significant aggressor, or the party posing the most serious ongoing threat, in a domestic violence situation in which there is probable cause that more than one party committed some violence. Primary aggressor does not necessarily mean the first aggressor.**

Establishing the Primary Aggressor

- **How do I determine Primary Aggressor?**
 - Evidence from the parties and witnesses
 - The history of domestic abuse between the parties
 - The likelihood of future injury to each party
 - The intent of the law to protect victims from continuing abuse
 - Whether one person acted in **self defense**
- Be certain your report indicates you considered the foregoing in making your primary aggressor determination. Remember, this only arises when probable cause exists that more than one person committed an act of violence.

Document your findings

- The investigation, probable cause, and/or primary aggressor findings should be reduced to writing. Whether or not an arrest is made, a report should be prepared which documents the basis for decisions and actions. A report should clearly and concisely indicate the basis for determination of pc to make an arrest or lack of pc to make an arrest for two important reasons:

- **Immunity**
- **Prosecution**

Immunity

- Failure to Act
- Thurman v City of Torrington

Prosecution

- For many reasons, domestic violence victims often refuse to cooperate in prosecution, either by recanting their earlier statements related to the incident, or by testifying on behalf of the accused.
- Without a victim's testimony a prosecutor must rely on the testimony of the LEO who responded to the scene and documented their actions and observations.
- When the victim is not participating, the testimony of the LEO based upon the report may be the only remaining evidence. The lack of a thorough and complete report will hamper efforts to prosecute and hold the offender accountable for the crime that is charged.

BEST PRACTICE
Steps in the Arrest Process

- On scene defendant-
 - With PC and legal authority effect physical arrest
 - Provide information on bail (does the defendant pose a continued risk to the victim? Does the victim want a no contact provision?)

BEST PRACTICE

- A victim of violence should be offered immediate access to services...
- The sooner a victim feels supported in the process, the sooner a victim will support the process!!!

BEST PRACTICE
Steps in the Arrest Process

- Def has fled scene or cannot be located
 - Swear to a warrant ~ verify NCIC entry
 - Make efforts to locate defendant on the warrant and DOCUMENT efforts
 - At end of shift provide oncoming duty OIC with warrant and ensure efforts to locate defendant will continue

Steps in the Arrest Process

- POST ARRAIGNMENT
 - It is important (and may be required by state law) for LEO to notify the victim of the defendant's incarceration status

Investigations

- Safe approach
- Thorough on scene evaluation
- REMEMBER– DV doesn't happen in a vacuum...what other incidents are occurring?

Investigations:

REMEMBER- the earlier in the process a victim recognizes they will be supported, the earlier they will support the process

JOHNSON TIMELINE

What will you do with
what you know?

In the beginning

- Fred and Darlene marry in August, 1993
- Darlene's family are long time residents of the county.
- Fred owns a mobile home which he places on family land gifted to the couple by Darlene's family.
- Fred begins a campaign of terror on the mountain disputing property lines and right of way issues

Police contact begins

- 1993 - residents call police repeatedly after being confronted by Fred over right of way issues
- Darlene's family report Fred is threatening neighbors for trespassing and blocking the right of way with vehicles
- Police refer the participants to the courthouse

Problems continue

- September, 1994 - Darlene's employer contacts police
- Darlene is experiencing repeated damage to her vehicle while parked at work
- Police document the damages
- Darlene reports the problems began soon after she got her job, she has been working for 9 months
- There have been three separate incidents of damage, only Darlene's vehicle is damaged

The separation begins

- 1995 - Darlene files for and is granted a Protection from Abuse Order (P.O.)
- Application outlines: repeated acts of vandalism to her car, heavy drinking, displaying firearms, pushing and shoving Darlene, damage to her television, washing machine, theft of her food, restraining Darlene physically in the residence
- December 1, 1995 - Darlene files for divorce

- How would your agency address this background?
- As a responding officer what steps could you take?
- Does your agency have access to civil records and petitions for protective orders?

All quiet?

- 1997, Darlene drops the protective order and vacates the divorce proceeding

Not for long...

- 2000, May 26th - Darlene calls police when Fred is following her on the roadway and confronts her in a parking lot
- Darlene reports the couple has been having "problems" "for a while"
- Darlene reports she was out at a local bar with friends when Fred showed up and confronted her
- Darlene fled in her vehicle and Fred followed her

And his side...

- Police question Fred who reports he believes Darlene is cheating on him, he is trying to catch her in the act
- Fred explains he wants Darlene to talk to him and wants to work on their marriage
- Fred tells the officer he loves his wife and would never harm her
- The couple is separated for the night

- Does your statute allow for charges at this point?
- Do you need to articulate anything from the history of the couple for your case?
- If charged, what evidence will you collect to support your case?
- If charged, what legal issues do you see and how will you address them?

- How would your agency address this background?
- As a responding officer what steps could you take?
- Do you have any criminal charges?

Police called again...

- **2000, June 8th** - Darlene requests accompaniment by a police officer to help her retrieve belongings at her home.
- When they arrive, Darlene's personal rooms are trashed. All of her belongings are dumped all over the floor. It is noted that the belongings are not destroyed, just all over the floor.
- Darlene states that she and her husband had been having problems and are in the process of divorce.
- She tells the officer that they have been in counseling and that it had gone well for almost three years until recently.
- The officer notes that Darlene is in need of assistance in getting a plan in place, and needs legal assistance for property resolution.

- Do your statutes allow for charges at this point?
- Do you need to articulate anything from the history of the couple for your case?
- If charged, what evidence will you collect to support your case?
- If charged, what legal issues do you see and how will you address them?

The follow up...

- Police question Fred about the destruction of Darlene's room.
- Fred reports Darlene damage his property first so he retaliated.
- Fred reports he has proof Darlene damaged his property and presents the officer with an audio tape of a conversation between Darlene and her friend that occurred in the residence.
- Fred admits to following Darlene and claims she follows him as well.
- Fred reports he applied for a Protective Order and was denied by the judge.

The tension...

- Both parties acknowledge that the relationship is deteriorating
- Neither can afford attorneys or to file for divorce
- They have separated themselves inside the residence, and live in their own "areas" in the mobile home

More police contact...

- 2000, September 12 - Fred calls the police to report that Darlene sometimes smokes marijuana in the residence
- Fred wants to know how to get her arrested

Problems continue...

- 2000, September 21- Darlene calls police after a physical altercation.
- She reports Fred was taking property out of the marital home and she tried to stop him.
- She owns the truck and tried to take the license plate, she also stood in front of the truck.
- Fred shoved Darlene and drove away quickly, causing Darlene to jump out of the way.
- Darlene reports Fred threatens her and she is afraid for her life. She believes he will kill her.

Courts get involved

- Darlene applies for and is granted a Protection from Abuse Order.
- The application outlines a brief history: Darlene alleged that Fred started yelling and accusing her of sleeping around. He threatened to kill her if he saw her with a man or even dancing with one. He told her "til death do us part" and he said he meant it.
- Darlene reported being followed by Fred when she was going to a club and that he both called her names and bumped into her car with his truck. No date is indicated for this incident.
- She also reports that Fred would call her from his Penn State job where he would sometimes not say anything. Calls were also made to her girlfriend. Darlene knew it was Fred because his number came up on caller ID.

Fred's response

- Fred applies for a Protection from Abuse order and is denied by the judge

Court's decision

- Until property can be settled, the Final Protective order is granted by the judge
- The judge orders temporarily the residence will belong to Fred Monday through Friday and Darlene takes possession on the weekends

Shared residence...

- Darlene appeals for sole ownership
- Her application alleges that Fred removed the stove, oven, and microwave from the residence
- Darlene alleges Fred removed all the light bulbs from the residence
- Darlene alleges Fred left a deer head and hooves in the refrigerator for Darlene

Residence awarded...

- January 2001 - Sole ownership of the mobile home is awarded to Darlene

Police are called...

- 2001, April 13 - Darlene calls to report missing property, shovels and tools from outside the residence
- Darlene reports someone has been entering the residence and she suspects Fred, there is no sign of forced entry
- Fred is questioned and denies knowledge of the missing tools or going to the residence

More trouble for Fred...

- 2001, May 6 - Fred drives his car into a mailbox and fence in a neighboring jurisdiction
- He is located and flees from police, he is later charged with DUI
- His hearing is scheduled for June 27, 2001

What next?

- 2001, May 21- Fred files a civil claim against Darlene in regards to the mortgage on the mobile home.
- He withdraws the claim the next day.

- Mid June 2001- Fred takes an extended leave of absence from work
- He cleans out his locker and tells his long time employer he will be out of the area for 2 weeks

Evidence found..

- 2001, June 24 - employees at the local mall find bags of personal property and paperwork dumped in the mall dumpster
- The paperwork belongs to Darlene and she reports it could only have been placed there by Fred
- Darlene reports she does not know when Fred took the items but is certain she feels him "around"

The follow-up...

- Police attempt to contact Fred about the paperwork and property dumped at the mall
- Fred is not located

The ending

- 2001, June 26 - State College Police are called to the residence on Mountain Road for a report of smoke in the structure
- Darlene is found shot dead in her bed
- Her male friend is found shot dead on the floor at the foot of the bed
- Fred is found shot dead in the basement of the trailer
- The trailer is smoldering when police arrive

The rest of the story..

- At the time Fred took a leave of absence from work he moved into the woods outside the residence.
- He lived in a sleeping bag and ate off of sterno heat sources watching Darlene and her partner in the home.
- On the night of 25 June, 2001 Darlene's daughter picked up Darlene's grandchild from the residence at approximately 2200 hours.

- After Darlene's grandchild left, Fred drove to the local mall where he parked his car, shaved his head and changed into head to toe black clothing.
- He then walked to the residence through the woods and entered the residence through the basement.
- Fred confronted Darlene and her partner where they lay sleeping in bed.

- Darlene's friend jumped up to defend the couple and was shot in the chest, he fell to the floor and dragged himself a number of feet
- Darlene was shot where she lay in bed and died instantly
- Fred then started three fires in the residence, attempted to hang himself, and finally shot himself in the basement

Questions? Comments?

Thank you for the work
you do for victims!!!!!!
